IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 4257 of 2001

Between:

M/s Ad-Age, Out Door Advertising (P) Ltd., a company incorporated under the provisions of the Companies Act, 1956, AG-8, Matrusri Apartments, Hyderguda, Hyderabad. Rep. by its Executive Director, Syed Iftequar Mehdi, S/o S.Y. Nawab, R/o Hyderabad.

..... PETITIONER

AND

1. The Hyderabad Urban Development Authority Rep. by its Vice Chairman & Managing Director,1-8-232, Paigah Palace, Police Lines, Rasoolpura, Hyderabad.

2. M/s Prakash Arts, a proprietory firm, Rep. by its Proprietor C.D.S.Prakash Rao, H.No.3-6-473/1, Street No.5, Himayatnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Mandamus declaring the action of 1st Respondent in permitting the 2nd Respondent to erect and display the "Unipole" at Necklace Road, Hyderabad, as being arbitrary, illegal and violative of Art.14 of Constitution of India as well as contrary to the tender notice as well as the terms and conditions of tender schedule and consequently direct the 1st Respondent to stop the 2nd respondent from doing the work of erection and display of the "Unipole" at the Necklace Road, Hyderabad.

Counsel for the Petitioner:MR.P.VENUGOPAL

Counsel for the Respondent No.1: MR.B.VISWANATHA REDDY

Counsel for respondent No.2: MR.T.Niranjan Reddy.

The Court made the following :

O R D E R:

This writ petition is filed declaring the action of 1st Respondent in permitting the 2nd Respondent to erect and display the "Unipole" at Necklace Road, Hyderabad, as being arbitrary, illegal and violative of Article 14 of the Constitution of India, contrary to the tender notice as well as the terms and conditions of tender

schedule and consequently direct the 1st Respondent to stop the second respondent from doing the work of erection and display of "Unipole" at the Necklace Road, Hyderabad.

It is the case of the petitioner-Executive Director of the agency that it is a company incorporated under the provisions of the Indian Companies Act, 1956. The first respondent is a statutory authority governed by A.P. Urban Areas (Development) Act, 1975. On a tender notification issued by the first respondent, dated 03.09.2000, inviting offers from the public sector as well as private sector organizations for taking space for publicity at strategic locations and the green belt area, the second respondent and others have obtained tender schedules and the same was accepted by the first respondent in the category of 'Illuminated Hoardings'. Against the terms and conditions of the tender, the first respondent permitted the second respondent to utilize the space for erection and display of hoardings through the exclusive media of 'Unipole' also. Aggrieved by the action of the first respondent in permitting the second respondent to display Unipole as well as Illuminated Hoardings, this writ petition is filed.

While admitting the writ petition, this court passed orders in W.P.M.P.No.5485 of 2001, dated 13.03.2001 directing both the parties to maintain status quo existing as on that day. Thereafter, in an application filed by the respondents in W.V.M.P.No.974 of 2001, this court by order dated 16.05.2001 modified the earlier order dated 13.03.2001 making it clear that the second respondent in the writ petition is allowed to erect only illuminated hoardings as per the tender schedule and made it clear that the Unipole system is not provided in the tender schedule.

In view of the fact that the interim order passed in W.V.M.P.No.974 of 2001, dated 16.05.2001 has become final, no further orders are necessary in the writ petition.

The writ petition is accordingly disposed of. No costs.

_____

E.DHARMA RAO J.,

Dt.20.07.2005

tjs

To

1) The Vice Chairman & Managing Director, Hyderabad Urban Development Authority, 1-8-232, Paigah Palace, Police Lines, Rasoolpura, Hyderabad.

1) 2 CD copies